

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELAINE L. CHAO, Secretary of Labor,	:	Civil Action
United States Department of Labor		
	:	No.
Plaintiff,		
v.		
	:	
The Charles Schwab Corporation,		
Charles Schwab & Co, Inc.,		
Charles Schwab Bank,	:	
Defendant.	:	

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

PLAINTIF, ELAINE L. CHAO, Secretary of Labor, United States Department of Labor,
respectfully petitions this Court, pursuant to Federal Civil Procedure Rule 65(a) and (b)
to:

1. Issue a temporary restraining order and preliminary injunction restraining the defendants Schwab, their agents, servants, employees, and those persons in active concert or participation with them and all persons having actual notice of these proceedings, from interfering with, hindering and delaying the Secretary of Labor or her authorized representative in carrying out the provisions of section 806 of the

Sarbanes-Oxley Act of 2002, hereinafter "the Act" (18 U.S.C. § 1514A) and the Rules for Implementing Section 806 of the Act, hereinafter "Rule(s)" (29 C.F.R. Part 1980), specifically including, but not limited to, enforcing the October 21, 2008 Preliminary Order of Reinstatement in the administrative proceeding styled: : The Charles Schwab Corporation, Charles Schwab & Co, Inc., Charles Schwab Bank, Larry Goldstein, Scott Jensen & John Foy / Liebchen & Werling / 2-2140-07-008 (18 U.S.C. 1514A) – Secretary's Findings/Preliminary Order, ordering the defendant immediately to reinstate Complainants to their former positions as Financial Consultants with the Millburn, New Jersey branch office and for any other relief as the Court may deem just and proper;

2. The Secretary moves on the grounds, as set forth in the Memorandum of Law in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction to Enforce Secretary's Order of Preliminary Reinstatement, a copy of which is attached as Exhibit 1 to the Petition-Compalint, that unless the Defendant is restrained by order of this court from interfering with, hindering, and delaying the Secretary of Labor or her authorized representative in carrying out the provisions of section 806 of the Sarbanes-Oxley Act of 2002, hereinafter "the Act" (18 U.S.C. § 1514A) and the Rules for Implementing Section 806 of the Act, hereinafter "Rule(s)" (29 C.F.R. Part 1980), specifically including, but not limited to, enforcing the October 21, 2008 Preliminary Order of Reinstatement in the administrative proceeding styled: : The Charles Schwab Corporation, Charles

Schwab & Co, Inc., Charles Schwab Bank, Larry Goldstein, Scott Jensen & John Foy / Liebchen & Werling / 2-2140-07-008

(18 U.S.C. 1514A) – Secretary’s Findings/Preliminary Order, ordering the defendant immediately to reinstate Complainants to their former positions as Financial Consultants with the Millburn, New Jersey branch office, the public interest will be adversely affected, and there will be immediate and irreparable injury to the public interest for which plaintiff has no adequate remedy at law.

Notice of this Motion for Temporary Restraining Order and Preliminary Injunction was made to Jill L. Rosenberg, Orrick, Herrington & Sutcliffe, 666 Fifth Avenue, New York, New York 10103-0001, Counsel for the Defendant, by telephone and email, with copies of the papers sent by email.

DATED:

November 17, 2008

Respectfully submitted,
CHRISTOPHER J. CHRISTIE
United States Attorney

ss/ Daniel J. Gibbons

DANIEL GIBBONS
Assistant U.S. Attorney

